

REMARKS

Applicant has amended the specification deleting the paragraph at lines 22-24 on page 3 of the application as filed. Application has also amended the specification by amending the Abstract as filed by deleting therefrom the opening sentence, embedded reference numerals and inapplicable words and adding thereto a sentence which is a phrase in amended independent claims 12 and 13. As is described below with respect to the amendment of independent claims 12 and 13 that phrase does not introduce new matter.

Applicant has amended independent claims 12 and 13 to recite that "the evaluation stage has means for determining criteria of a data stream other than the presence or absence of data for a period of time and the content of said data stream for selecting one of the bus lines as the receiving line based on said criteria."

As is taught by applicant in the application as filed in the paragraph that begins at line 20 on page 6, the evaluation stage 312 selects the receiving line 11 or 12 on the basis of criteria which are determined from the serial or parallel data stream, the time response and the state of the receiving line. "The criteria from the data stream include the frame error, parity error, preambles, synchronization sequences, etc." Therefore, the criteria does not include the content of the data stream and thus amended independent claims 12 and 13 do not introduce new matter.

The Objection to the Specification

The Examiner has objected to the Abstract as filed saying that at page 3 lines 21-24 it is improper to include references to claim numbers. Applicant believes that the Examiner was referring in this objection to the paragraph at lines 22-24 on page 3 of the application as filed as that paragraph refers to original independent claims 1 and 10, and dependent claims 2-9 and 11 and the Abstract as filed does not refer to claim

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numbers. Applicant has in this Amendment deleted the above identified paragraph and hereby requests reconsideration of this objection to the specification.

The Rejections of the Claims

The Examiner has rejected claims 2-5, 9 and 12-14 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,387,769 (Kupersmith). The Examiner says that the evaluation stage with means for determining criteria of a data stream other than the presence or absence of data for a period of time and for selecting one of the bus lines as the receiving line based on said criteria called for in independent claims 12 and 13 are described in column 9, lines 16-18 and 21-23 of the '769 patent.

That part of the '769 patent is about bus jamming and col. 4, lines 60 et seq. of the '769 patent describes bus jamming with reference to U.S. Patent Application Serial No. 07/992,877 which is now Pat. No. 5,535,212.

The abstract of the '212 patent says :"If a transceiver has a message to send during an idle medium condition, it transmits a jam pattern onto the medium for a predetermined time (based on maximum network propagation delay). If a transceiver detects a jamming pattern, it inhibits its own transmissions and waits for the next slot progression. If multiple transceivers begin jamming within a propagation delay of each other (within the network vulnerable time), their jamming transmissions will not destructively interfere with each other. When jamming ceases, all transceivers begin a slot progression. Thus, the end of the jamming period when all transceivers have finished jamming serves as a network-wide synchronization for the start of an implicit token slot progression."

Thus bus jamming is not the same as the evaluation stage that has "means for determining criteria of a data stream other than the presence or absence of data for a period of time and the content of said data stream for selecting one of the bus lines as the receiving line based on said criteria" that is called for in independent claims 12 and 13 as amended herein.

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The '769 patent does describe the passing of a message by bridge 4, 9 on to the next bus in response to a control byte signal, a local address signal, a message identifier signal and a bus address signal that are in the message [see column 4, lines 49 -53, Fig. 4 for the form of a message and Fig. 6 for the form of the control byte (CB)]. This is not the same as the evaluation stage that has "means for determining criteria of a data stream other than the presence or absence of data for a period of time and the content of said data stream for selecting one of the bus lines as the receiving line based on said criteria" as is called for in independent claims 12 and 13 as amended herein.

The Examiner said that claims 6-8 would be allowable if rewritten in independent form and included all of the limitations of the base claim and any intervening claim. Claims 6-8 each depend on a claim that depends either directly or through one or more intermediate claims on amended independent claim 12.

Entry of this Amendment is respectfully requested as it will place this application in a condition for allowance.

Petition and Fee For Extension of Time

Applicant also includes herewith a Petition and Fee For Extension of Time asking that the period to respond to this Action be extended to four months from the date of the mailing of the Action viz., January 12, 2004. As is set forth in the Transmittal Letter to which this Amendment is attached the required fee is to be charged to Deposit Account No. 05-0877.

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Following Page*****

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Respectfully submitted,

Date: 1/12/04

Michael M. Rickin

Michael M. Rickin
Reg. No. 26,984
Attorney for Applicant
ABB Inc.
29801 Euclid Avenue
Wickliffe, OH 44092-2530
(440) 585-7840

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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P.O. Box 1450
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on the 12th day of January, 2004.

Respectfully, Debra A. Rietze

Date: January 12, 2004